

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN PICKERING,

Plaintiff(s),

v.

AMAZON.COM INC., et al.,

Defendant(s).

CASE NO. C24-0592-KKE

ORDER DISMISSING CASE

The Court previously ordered Plaintiff to show cause why the claims remaining in this lawsuit, against Defendant FoodServiceDirect.com<sup>1</sup>, should not be dismissed for failure to serve. Dkt. No. 23. The Court has already dismissed Plaintiff's claims against other Defendants. *See id.*

Plaintiff, representing himself, filed a timely response to the order to show cause. *See* Dkt. No. 24. Plaintiff's response in part objects to the Court's order granting a motion to dismiss filed by Defendants Amazon.com, Inc., and Amazon.com Services LLC. *Id.* at 1–5. To the extent that Plaintiff's response could be construed as a motion for reconsideration, the Court denies a request to reconsider because Plaintiff has not shown error in the Court's earlier order or identified new facts or legal authority that could not have been raised earlier. *See* Local Rules W.D. Wash. LCR 7(h)(1) ("Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.").

<sup>1</sup> FoodServiceDirect.com Headquarters is also listed as a Defendant on the docket, although the complaint does not list any claims separately against Headquarters. *See* Dkt. No. 8–17.

1 Plaintiff's response also fails to show that he has effectuated service on the remaining  
2 Defendant(s) FoodServiceDirect.com/Food ServiceDirect.com Headquarters. Plaintiff attached  
3 photographs to his response indicating that his mailing to FoodServiceDirect.com Headquarters  
4 was returned unopened. *See* Dkt. No. 24 at 12–13. Although Plaintiff suggests that Defendant  
5 should have forwarded his mailing somewhere in the chain of command (*id.* at 6), it appears that  
6 his mailing was returned by the U.S. Postal Service and did not reach anyone connected with  
7 FoodServiceDirect.com who could have forwarded it to someone who could accept service of  
8 process. *Id.* at 12–13.

9 Federal Rule of Civil Procedure Rule 4(m) provides that, if service of the summons and  
10 complaint is not made upon a defendant within 90 days of filing the complaint, federal district  
11 courts must *sua sponte* dismiss an action without prejudice, after notice to the plaintiff. It is  
12 essentially undisputed that proper service has not been effectuated on  
13 FoodServiceDirect.com/FoodServiceDirect.com Headquarters, despite multiple warnings from  
14 the Court that if service was not accomplished Plaintiff's claims may be dismissed. *See* Dkt. Nos.  
15 10, 12, 23.

16 Accordingly, the Court DISMISSES Plaintiff's remaining claims against  
17 FoodServiceDirect.com/FoodServiceDirect.com Headquarters without prejudice, due to  
18 Plaintiff's failure to prosecute, in accordance with Federal Rule of Civil Procedure 4(m). The  
19 clerk shall administratively close this case.

20 Dated this 23rd day of May, 2025.

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22 \_\_\_\_\_  
23 Kymberly K. Evanson  
24 United States District Judge